REMARKS

Claims 1-5, 8, 10-14, 16-20, 22-29, 32-35, 38, 41, 44, 45, 48, and 49 are pending the application. Favorable of the application is respectfully requested.

The foregoing amendments to the claims are combined claims 1, 6, 7, 9, 18, 21, 23, 24, 29-31, 35-37, 38-40, 41-44, 45-47, 48, and 50. As these amendments place formerly dependent claims in independent form, the amendments do not present any "new issues".

Withdrawal of the rejection of claims 18-22 under 35 U.S.C. § 112 is requested. Claims 13 and 18 have been amended as suggested in the Final Rejection and are believed to be allowable.

Withdrawal of the rejection of claims 1-34 under 35 U.S.C. § 102(e) as being anticipated by Peppel (U.S. Pat. No. 6,200,216) is requested.

The patent to Peppel describes a type of passive electronic trading card which uses a storage media having a proprietary electronic trading card format. The cards are used in collecting, trading, game playing and take the place of a traditional trading card.

As noted in the Office Action on page 3, Peppel encompasses a wide range of digital media. However, there is no basis in the art to suggest that Peppel also discloses or suggests the use of smart cards in an interactive game played with a smart card, local computer and remote computer/server. The electronic trading card format is disclosed as file information, which can be written or read in various applications.

The distinction between the Peppel electronic trading card and the subject matter of the claims of the present application can be summarized by referring to the independent claims in the application.

Claim 1, as amended, includes the limitations of claims 6, 7 and 9. The claimed system provides single and multi user interactive games. As part of the system, an embedded chip trading card having a memory containing identification data and access software for identifying and initiating access to the interactive games is provided. As noted in the Office Action, Peppel fails to disclose any embedded chip trading card, such as a smart card which has a memory, and

6

which contains access software for identifying and initiating access to interactive games, nor any type of card reader/writer for reading and writing to the embedded chip trading card. The interactivity provided by the present invention between a smart card, local computer and remote computer is not disclosed or suggested in Peppel.

Peppel discloses with respect to col. 14, a castle quest game based on a CD-ROM media. The game consists of puzzles having increasing levels of difficulty. When each level of the puzzle is solved the player prints out a card proving that they have solved the current level and giving a clue to the next level.

The games disclosed in Peppel, do not make use of any remote server, which includes game software accessed through a smart card or other media. Further, the game does not, as disclosed in the reference, download status information from a remote server produced from playing a game for storage in a smart card or other media. Thus, in the context of playing a game, Peppel fails to disclose (a) smart card, and (b) any remote server placed together with a local computer to provide an interactive game, and (c) transferring during playing of the game information from the remote server to the smart card.

Peppel discloses with respect to col. 7, an electronic trading card collecting system which is used on-line. The process described is not an interactive game in the sense of permitting the status information generated during the course of playing to be transferred during the interactive playing of a game between the remote server and the electronic trading card.

In accordance with claim 2, trading card information is downloaded to the embedded chip trading card (smart card).

Claim 4, dependent from claim 1 also requires that the identification data contained within the smart card include a card specific code, a card type code, so that the local and remote computer systems can control access based on the unique number assigned to the embedded chip trading card as well as the particular card type. While the electronic trading card of Peppel provides for security, it is not disclosed whether it contains specific codes uniquely identifying the embedded chip card as well as a card type code.

Independent claim 18 now includes the subject matter of claim 22. Claim 18 is directed to a system for playing a game which includes a smart card, a computer to read the smart card and a remote server connected to the computer. The foregoing structure, as noted above, is not disclosed in Peppel. Further, the function obtained from the foregoing structure permits a game on remote server to be played. During play the status information produced from playing the game is downloaded to the smart card and is available each time the smart card is read.

Claim 23 similarly describes a process relating to the playing of a game which requires a smart card having a stored computer program. The smart card provides for the interactive play, by permitting a local computer to connect to a remote computer wherein game playing software exists. The interactivity between smart card, local computer and remote computer permitting information to be transferred to and from the smart card as required by claim 23 is not disclosed nor suggested in Peppel. As noted above, the on-line activity of an electronic trading card in accordance with Peppel is not for playing an interactive game, but for changing the contents of electronic media serving as an electronic trading card.

Claim 29 also points out this distinction by claiming a system which uses a smart card permitting bi-directional transfer of data to a computer system programmed with entertainment software, and which is capable of storing statistics produced from the entertainment software.

Claim 35, 38, 45, and 48, are the remaining independent method claims in the application, and require a method for playing a computer game requiring the bi-lateral transfer of data from a remote computer system to a smart card. As noted above with Peppel, the only on-line application of Peppel does not provide for interactive game play, but rather provides for electronic trading card collection. This single application of an on-line trading card system does not suggest any of the process steps carried out by an interactive game playing system having a smart card, local computer and remote computer as called for in these claims.

It is requested that the Examiner consider these distinctions representing the playing of an interactive game from a remote server, wherein a smart card is an integral component of the system, and compare the function and apparatus as set forth in the rejected claims to the on-line electronic trading card collection system of Peppel.

Withdrawal of the rejection under 35 U.S.C. § 103, of claims 35-37 as being unpatentable over Peppel in view of Sehr (U.S. Pat. No. 6,325,292) is requested. As pointed out previously, the present claims require processing functions which utilize a smart card. It is submitted that Peppel's data card, which is not a smart card, does not encompass all functions that are claimed. Specifically, Peppel does not play an interactive game with a remote computer, nor does Peppel transfer data between the remote server and a smart card representing the status of a game being played. Other functions set forth in the rejected claims such as displaying the status information each time the smart card is read by the local computer is not shown nor disclosed in Peppel.

Turning now to the secondary reference of Sehr, a system is described for providing collector cards. The system employs a smart card which stores the collectable information, as well as serves as a debit/credit card for payment for services/products purchased on-line. The smart card is useful for preserving authenticity and the integrity of the card data, so that it may be successfully used to represent a particular collectable. The card may, for instance, include information relating to a particular athlete or sporting event, which can be updated to reflect changes in performance of the athlete. Further, there is a provision provided where holders of the card can transfer the contents to another card holder, and, at the same time, the specific information from the transferor can be cancelled in his card so that only one original collectable card is in circulation.

The card can also be compiled in an array with other cards to provide a particular theme pertaining to a collector's item. In this array, the cards become pieces of a puzzle, which when fully collected, comprise a single image or theme. The cards may constitute a complete set of features such as autographs, interviews, statistical data, video clips, pictures, etc., about a given sports figure, and a complete set is a desirably collectable feature. Additionally, the cards can serve as pieces of a puzzle, which when laid out represent a final picture of a sports image. See cols. 18-20. The arrangement of a collector cards in a particular order depends upon the solving of a particular puzzle. Once the user has assembled the cards in either a physical fixture, or in some sort of electronic format template (unspecified in the reference) the puzzle is solved.

9

This reference, like Peppel, fails to make use of any remote server, interacting with a local computer and smart card to play an interactive game. Instead, the game appears to be entirely local, wherein information contained within the smart card and local computer comprises the complete game, and no connection to an internet server is necessary.

In view of the foregoing, it is clear that the Applicants of the present application have provided for a unique, interactive game system, requiring a smart card local computer and server. The interactivity between these components to playing an interactive game remains fully undisclosed in each of the cited references. Accordingly, favorable reconsideration is believed to be in order.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185.

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Respectfully submitted,

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MARKED-UP REVISIONS

1.   (Amended) A system for using a trading card for single and multi user interactive games for interactive entertainment, comprising:

an embedded-chip trading card having a memory containing identification data and access software for identifying and interacting access to said interactive games;

a card reader/writer for reading and writing to said embedded-chip trading card;

a local computer system coupled to said card reader/writer;

a communications network coupled to said local computer system and to a remote computer system including a database containing trading card information relating to said interactive entertainment;

wherein;

said card reader/writer transfers said identification data and access software via said local computer system and communications network to said remote computer system; and

said remote computer system processes said identification data and access software to enable access to said remote computer system for interactive entertainment.

13.   (Amended) The system of claim 12, wherein:

said remote computer system programmed to: compare said card-specific code with information in said database to determine whether a particular trading card represents an active or an inactive player; and

[said remote computer system allowing] allow the assignment of an inactive player represented by said particular trading card to a team for interactive game playing with at least

one remote user, and prohibiting said assignment if said player is active.

16.   (Amended) The system of claim [6] 1, wherein said embedded-chip trading card includes surface graphic elements related to said entertainment theme.

18.   (Amended) A system for playing a game comprising:

a smart card containing a stored program containing information regarding a game to be played on a remote computer;

a computer having a smart card reader for reading said information and a display for displaying game information derived from said smart card, said computer including an internet connection; and

a remote server connected to an internet connection containing a computer program for playing a game with said computer, said remote server connecting to said computer over said Internet connections in response to a request received from said computer through said internet [connections] connection, and downloading to said computer a game selection for display on said computer display which permit said game to be played and download status information produced from playing said game to said smart card.

23.   (Amended) In a system for playing games over a communications network, a smart card having a stored computer program for executing the process of:

connecting a computer which is connected to said smart card to a remote computer for playing said game;

displaying to a user through a smart card reader and local computer the information pertaining to said game;

12

providing security information which is transferred over said communications network to a remote server containing a computer game program to authenticate a user of said game program; and

storing game status information downloaded from said remote server.

29.   (Amended) In a computer entertainment system, an electronic trading card comprising:

a smart card enclosed within a container having visual information on the exterior of said container having contacts for accessing an internal processor and a memory which contains information pertaining to said stored statistics;

said smart card providing for bi-directional transfer of data to a computer system programmed with entertainment software and stores statistics produced by said entertainment software.

35.   (Amended) A system for playing a game comprising:
a smart card containing a processor and a memory for storing information relating to a game being played;
a local computer system for communicating with said smart card and establishing an Internet connection;
a remote server connected to communicate with said local computer system over said internet connection, said remote server executing game playing software with said local computer system using information transferred from said smart card, wherein information relating to the playing of said game is downloaded from said server and stored in said smart card, and displayed each time said smart card is read by said local computer system.

38.   (Amended) A method for facilitating playing a game on a remote computer system which communicates with a local computer comprising:

programming a smart card for interaction with said local computer to incorporate a security algorithm, [and] game playing identification data and an identification number unique to said card into said smart card arranged for transfer via said local computer to said remote computer system to authorize said remote computer system to allow game play with said user;

and providing storage capacity in said smart card to permit said smart card to store data from said remote computer system.

41.   (Amended) In a system for playing a game using a local computer in communication with a remote computer system which executes game playing software, a method for playing said game comprising:

up loading security information from a smart card being read by said local computer to said remote computer system; [and]

using said security information at said remote computer system to verify said user is an authorized card holder;

down loading from said remote computer system to said smart card data produced during playing of a game; and

down loading text from said remote computer system to said user for display on said local computer.

45.   (Amended) A method for facilitating playing of a computer game on a remote computer system in communication with a local computer, comprising:

uploading to said remote computer system card specific information and game specific information from a smart card being read by said local computer; and

using said card specific information and game specific information to verify said user is an authorized card holder;

downloading information produced from playing said game and storing said information on said smart card; and

maintaining a data base of information relating to each smart card at said remote computer system, representing game playing data unique to said smart card, and updating data stored in said smart card with said information.

48.   (Amended) A method for facilitating playing a game on a computer comprising:

programming a smart card for interaction with said computer to incorporate a security algorithm and game playing identification data into said smart card arranged for transfer to said computer to authorize said computer to allow game play with a user of said computer; and

providing storage capacity in said smart card to permit said card to store data from said remote computer system.